# UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

JOHN W. OUGHTRED, Individually And On Behalf of All Others Similarly Situated,	) ) ) Case No. 1:08-CV-3295 (SHS)	
Plaintiff,	) 	
v.	) )	
E*TRADE FINANCIAL CORPORATION and E*TRADE SECURITIES LLC,	) ) )	
Defendants.	) ) )	

NOTICE OF MOTION OF THE OUGHTRED GROUP FOR APPOINTMENT AS LEAD PLAINTIFF AND APPROVAL OF SELECTION OF COUNSEL

PLEASE TAKE NOTICE that plaintiff John W. Oughtred and class members Roger Brosnahan and Srinivasan Murari (collectively, the "Oughtred Group"), by their counsel, will hereby move this Court on a date and at such time as may be designated by the Court, at 500 Pearl Street, New York, New York for an Order (filed herewith): (i) appointing them as Lead Plaintiff; (ii) approving the proposed Lead Plaintiff's selection of Girard Gibbs LLP to serve as Lead Counsel, Stueve Siegel Hanson LLP to serve as Co-Lead Counsel, and Seeger Weiss LLP to serve as Liaison Counsel; and (iii) granting such other and further relief as the Court may deem just and proper. In support of this Motion, the proposed Lead Plaintiff submits herewith a Memorandum of Law, [Proposed] Order, and the Declaration of Jonathan K. Levine and all exhibits attached thereto.

DATED: June 2, 2008 Respectfully submitted,

## **GIRARD GIBBS LLP**

By: <u>Jonathan K. Levine</u> Jonathan K. Levine (JL-8390)

Daniel C. Girard Aaron M. Sheanin 601 California Street, 14<sup>th</sup> Floor San Francisco, CA 94108 Telephone: (415) 981-4500 Facsimile: (415) 981-4846

#### **Proposed Lead Counsel**

Norman E. Siegel STUEVE SIEGEL HANSON LLP 460 Nichols Road, Suite 200 Kansas City, MO, 64112 Telephone: (816) 714-7100 Facsimile: (816) 714-7101

## **Proposed Co-Lead Counsel**

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Christopher A. Seeger (CS-4880) Stephen A. Weiss (SW-3520) David R. Buchanan (DB-6368) SEEGER WEISS LLP One William Street, 10th Floor New York, NY 10004 Telephone: (212) 584-0757

Facsimile: (212) 584-0799

**Proposed Liaison Counsel** 

## **CERTIFICATE OF SERVICE**

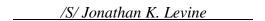
I, Jonathan K. Levine, hereby certify that on June 2, 2008, I caused the following document(s) to be filed electronically with the United States District Court for the Southern District of New York through the Court's mandated ECF service:

- MOTION OF THE OUGHTRED GROUP FOR APPOINTMENT AS 1. LEAD PLAINTIFF AND APPROVAL OF SELECTION OF **COUNSEL**
- 2. [PROPOSED] ORDER APPOINTING THE OUGHTRED GROUP AS LEAD PLAINTIFF AND APPROVING LEAD PLAINTIFFS' SELECTION OF COUNSEL

Counsel of record are required by the Court to be registered e-filers, and as such are automatically e-served with a copy of the document(s) upon confirmation of e-filing.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 2<sup>nd</sup> day of June, 2008 at San Francisco, California.



# UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF NEW YORK

JOHN W. OUGHTRED, Individually And On Behalf of All Others Similarly Situated,	) ) ) Case No. 1:08-CV-3295 (SHS)
Plaintiff,	
v.	) )
E*TRADE FINANCIAL CORPORATION and E*TRADE SECURITIES LLC,	) ) )
Defendants.	

[PROPOSED] ORDER APPOINTING THE OUGHTRED GROUP AS LEAD PLAINTIFF AND APPROVING LEAD PLAINTIFFS' SELECTION OF COUNSEL

Upon consideration of the motions and supporting papers filed by the movants for lead plaintiff in the above-captioned actions and for good cause shown,

### IT IS HEREBY ORDERED THAT:

- The Motion Of The Oughtred Group For Appointment As Lead Plaintiff And Approval Of Selection Of Counsel is **GRANTED**;
- 2. Plaintiff John W. Oughtred and class members Roger Brosnahan and Srinivasan Murari are hereby **APPOINTED** to serve as Lead Plaintiff in this action, pursuant to Section 21D(a)(3)(B) of the Securities Exchange Act of 1934 ("Exchange Act"), 15 U.S.C. § 78u-4(a)(3)(B), as amended by the Private Securities Litigation Reform Act of 1995.
- 3. The law firm of Girard Gibbs LLP is hereby **APPOINTED** to serve as Lead Counsel for the Class, pursuant to Section 21D(a)(3)(B) of the Exchange Act, 15 U.S.C. § 78u-4(a)(3)(B), as amended by the Private Securities Litigation Reform Act of 1995, in the above-captioned action.
- 4. The law firm of Stueve Siegel Hanson LLP is hereby **APPOINTED** to serve as Co-Lead Counsel for the Class, pursuant to Section 21D(a)(3)(B) of the Exchange Act, 15 U.S.C. § 78u-4(a)(3)(B), as amended by the Private Securities Litigation Reform Act of 1995, in the above-captioned action.

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5. The law firm of Seeger Weiss LLP is hereby **APPOINTED** to serve as Liaison Counsel for the Class, pursuant to Section 21D(a)(3)(B) of the Exchange Act, 15 U.S.C. § 78u-4(a)(3)(B), as amended by the Private Securities Litigation Reform Act of 1995, in the above-captioned action.

SO ORDERED.

DATED:	, 2008		
		THE HONORABLE SIDNEY H. STEIN	
		UNITED STATES DISTRICT JUDGE	